

REMARKS

Claims 16-27 are pending in the application. By this Amendment, claims 16-17, 20-21 and 24-27 have been amended. Support for the claim amendments may be found in paragraphs 63-67 of the Specification. Reconsideration of the application is respectfully requested in view of the above amendments and following remarks.

Claim Rejections under 35 U.S.C. § 101

In the Office Action, claims 24-27 were rejected under 35 U.S.C. § 101 as being directed to the non-statutory subject matter, i.e., a computer program. The subject claims have been amended as indicated above to recite "a device containing a program," which is a proper statutory subject matter. Accordingly, withdrawal of the 35 U.S.C. § 101 rejection of claims 24-27 is respectfully requested.

Claim Rejections under 35 U.S.C. § 102

In the Office Action, claims 16-27 were rejected under 35 U.S.C. § 102(b) as being unpatentable over Kato (U.S. Pat. 6,396,874).

It is noted that claims 16-17, 20-21 and 24-27 have been amended to clarify the subject matter for which protection is being sought. To the extent that the rejections remain applicable to the amended claims, the Applicant traverses the rejections.

In particular, the Applicant submits that Kato does not disclose or even suggest the claimed subject matter. With respect to amended claim 1, Kato does not disclose an information playback apparatus, which comprises, *inter alia*, "control means for ... causing the signal processing means to perform a playback from the presentation data

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stored in an initial file belonging to the detected data set, without following the playback sequence of said playback control data belonging to the detected data set."

More specifically, Kato discloses a recording/playback apparatus comprising an error correction and coding unit 5 for correcting the video data, audio data and the playback control information for errors based on the error correction code, and a buffer 6 for transiently storing the error-corrected video and audio data during playback (col. 9, ll. 35-40). In particular, when the playback operation is started, the video and audio data are read out from an optical disc, formed into packages, demodulated and sent to the error correction and coding unit 5, which corrects the video and audio data for errors, and sends the error-corrected data to the buffer 6. The buffer 6 transiently stores the furnished video and audio data. At this time, a playback controller 8 monitors the data storage quantity of the buffer 6 and performs control to read out data from the optical disc as long as there is any available vacant area in the buffer 6. The buffer 6 sends the video and audio data stored therein to a decoding device 10. This buffer 6 absorbs the readout interrupt time caused by readout errors during the pickup movement time or until the servo state is restored to the steady state in order to supply the video and audio data to the decoding device 10 as a continuous stream. The decoding device 10 decodes the video and audio data to output the decoded video and audio data to a display. Col. 10, line 60 to col. 11, line 11. Therefore, Kato performs the playback of audio/video data packages as continuous data stream, i.e., in the same sequences as specified in the playback control information and stored in the buffer 6.

In contrast, amended claim 16 recites that when an abnormality is detected in the playback control data, the signal processing means "perform a playback from the presentation data stored in an initial file belonging to the detected data set, without following the playback sequence of said playback control data..." Kato does not disclose or even suggest this subject matter and, therefore, does not anticipate claim 16.

Independent claim 20 recites a method for information playback, which is similar to claim 16. Independent claim 24 recites a device containing a program for information playback, which is also similar to claim 16. Therefore, independent claims 20 and 24 are patentable over Kato for the same reasons as those set forth above with respect to claim 16.

With respect to claim 17, Kato does not disclose or even suggest an information playback apparatus, which comprises, *inter alia*, "control means for ... causing the signal processing means to continue the playback from the presentation data specified by a logical address at the time an abnormality is detected, without following the logic address of said playback control data belonging to the detected data unit."

As indicated above, the playback apparatus in Kato uses buffer 6 to absorb the readout interrupt time caused by readout errors, i.e., abnormalities, during the pickup movement time or until the servo state is restored to the steady state in order to supply the video and audio data to the decoding device 10 as a continuous stream (col. 11, ll. 4-8). Kato does not disclose that when an abnormality is detected, the playback

continues "from the presentation data specified by a logical address..., without following logical address of said playback control data...", as recited in amended claim 17. Accordingly, Kato does not anticipate claim 17.

Independent claim 21 recites a method for information playback, which is similar to claim 17. Independent claim 25 recites a device containing a program for information playback, which is also similar to claim 17. Therefore, claims 21 and 25 are patentable over Kato for the same reasons as claim 17.

Claims 18 and 19 depend directly from either of claims 16 or 17 and are therefore patentable for the same reasons as claims 16 and 17 and further for the additional limitations contained therein. Claims 22 and 23 depend directly from either of claims 20 or 21 and are therefore patentable for the same reasons as claims 20 and 21 and further for the additional limitations contained therein. Claims 26 and 27 depend directly from either of claims 24 or 25 and are therefore patentable for the same reasons as claims 24 and 25 and further for the additional limitations contained therein.

Based on the foregoing, the Applicant respectfully requests that the Examiner withdraw the rejection of claims 16-27 under 35 U.S.C. § 102(b).

Conclusion

For all of the above reasons, it is respectfully submitted that claims 16-27 are in condition for allowance and a Notice of Allowability is earnestly solicited.

In the event that this paper is not being timely filed, the Applicants respectfully petition for an appropriate extension of time. Any fees for such an extension, together

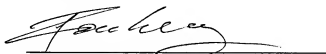
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with any additional fees that may be due with respect to this paper, may be charged to Counsel's Deposit Account Number 01-2300, referencing Docket Number 107156-00345.

No fee is believed to be due for this submission. However, the Commissioner is hereby authorized to charge any fee deemed to be necessary to Deposit Account No. 01-2300 referencing client matter number 107156-00345.

Respectfully submitted,
Arent Fox, LLP

A handwritten signature in black ink, appearing to read "Fainberg", written over a horizontal line.

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